D.B. CIVIL SPECIAL APPEAL NO.284/2006

Smt. Ratan Kumari Surana **Vs.** UOI & Ors

Date of judgment : 12th January, 2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE CHATRA RAM JAT

Mr. Dinesh Mehta for the appellant.
Mr. S.K.M. Vyas for Mr. K.K. Bissa for the respondents.

The only dispute raised in this case is that the respondents, the Income Tax Department which is occupying the appellant's building, is not finalizing the fair rent to be paid by the Department to the appellant and the matter is awaiting for the fair rent to be evaluated by the CPWD and for that reason the appellant is continuously suffering. The respondents have not filed the return. The document placed on record shows that matter is shuck in correspondence between the department and the CPWD for the purpose of evaluating the fair rent to be paid to the appellant.

In these circumstances, this appeal is

disposed of with direction to the respondents including the appropriate authority of CPWD to finalize fair rent payable to the petitioner with effect from the date the matter is pending with them, within a period of two months and arrears as a result of determination of the fair rent by the respondents be paid to the appellant within a further period of two months, therefore, the determination of fair rent by the respondent shall be without prejudice to any objections that may be made by the appellant about such determination the remedy he may be seeking in that respect.

[CHATRA RAM JAT], J. [RAJESH BALIA], J.

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